

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WP(C).No. 22868 of 2003(V)

PETITIONERS:

**SARALA K.M., U.P. SCHOOL ASSISTANT,
KAMBIL MOPILAL HIGH SCHOOL,
KOLACHERRY, KANNUR DISTRICT.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

- 1. STATE OF KERALA REPRESENTED BY
SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL
EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. DEPUTY DIRECTOR OF EDUCATION, KANNUR.**
- 3. DISTRICT EDUCATIONAL OFFICER, KANNUR.**
- 4. ASSISTANT EDUCATIONAL OFFICER,
TALIPARAMBA SOUTH.**
- 5. THE ACCOUNTANT GENERAL (A & E)
KERALA, OFFICE OF THE ACCOUNTANT GENERAL
(A & E) KERALA, THIRUVANANTHAPURAM.**
- 6. THE MANAGER, KAMBIL MAPLA L.P. SCHOOL
AND KAMBIL MOPLA HIGH SCHOOL,
KOLACHERRY, KANNUR DIST.**

BY GOVERNMENT PLEADER SMT.SMITHA BABU

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

KURIAN JOSEPH, J.

W.P. (C). NO. 22868 OF 2003

Dated this the 11th day of December, 2006

J U D G M E N T

Petitioner is aggrieved by Exts. P1 to P4 whereby steps have been taken to recover the pay and allowances paid to the petitioner for the period from 15.7.92 to 31.10.92. According to the petitioner, salary and allowance for the said period and also for the period up to 13.6.93 was paid to the petitioner as per Ext.P6 order passed pursuant to Ext.P5 judgment of this Court in O.P. NO.1734/97. The orders have become final. There is no counter affidavit. While passing the impugned orders, there is no reference either to Ext.P5 judgment or Ext.P6 order passed by the DEO. I quash the impugned orders. The writ petition is disposed of without prejudice to the liberty to the 5th respondent to consider the matter afresh, with notice to the petitioner, if such consideration is necessary even after reference to Exts. P5 and P6.

KURIAN JOSEPH, JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.

JUDGMENT

11th DECEMBER, 2006